


Council of the District of Columbia
Committee on Transportation and the Environment

Hearing Record

1350 Pennsylvania Avenue, N.W., Suite 108, Washington, DC 20004

To: Nyasha Smith, Secretary to the Council

From: Mary M. Cheh, Chairperson 
Committee on Transportation and the Environment

Date: August 8, 2019

Subject: B23-191, the Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019

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SECRETARY

On July 10, 2019, the Committee on Transportation and the Environment held a public hearing on "B23-191, the Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019". Notice of this public hearing was published in the *District of Columbia Register* on July 05, 2019 and the record remained open until July 24, 2019. A video recording of the hearing can be viewed online at oct.dc.gov

The following witnesses submitted testimony for the record:

- Gabriella Valderrama
- Tommy Wells
- Chris Weiss
- Adam Peer
- Paul Poe
- Catherine Plume

ATTACHMENTS

- (A) Hearing Notice
- (B) Witness List
- (C) Copies of written testimony

ATTACHMENT

A

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

REVISED AND ABBREVIATED

NOTICE OF PUBLIC HEARING ON

**B23-191, the Polystyrene Food Service and Loose Fill Packaging Prohibition
Amendment Act of 2019**

July 10, 2019, at 10:00 AM
in Room 412 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On Wednesday, July 10, 2019, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B23-191, the Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019. The hearing will begin at 10:00 AM in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

B23-191 would prohibit the retail sale of polystyrene food service products and polystyrene loose fill packaging, commonly known as packing peanuts.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring eight copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on July 24, 2019.

This hearing notice is revised to reflect that the time of the hearing has been moved from 11:00a.m. to 10:00a.m. In addition, the notice is being abbreviated in order to provide timely notice to the public.

ATTACHMENT

B

COMMITTEE ON
TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

WITNESS LIST

COUNCILMEMBER MARY M. CHEH, CHAIRPERSON
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

**B23-191, the Polystyrene Food Service and Loose Fill Packaging Prohibition
Amendment Act of 2019**

July 10, 2019, at 10:00 AM
in Room 412 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

PUBLIC WITNESSES

1. Chris Weiss, Executive Director, DC Environmental Network
2. Gabriella Valderrama, Global Green USA
3. Cathy Plume, DC Chapter of the Sierra Club

GOVERNMENT

1. Tommy Wells, Director of the Department of Energy & Environment

ATTACHMENT

C



**Council of the District of Columbia, Committee on Transportation & Environment, Public
Hearing on B23-0191 - Polystyrene Food Service and Loose Fill Packaging Prohibition
Amendment Act of 2019**

**July 10, 2019, 10:00 AM
John A Wilson Building, 1350 Pennsylvania Avenue, NW, Room 412**

**Testimony of Global Green, Global Green USA (Global Green),
Washington, DC Office**

Good morning Councilmember Cheh, other Councilmembers, and staff.

I am Gabriella Valderrama and I am working with the Buzzard Point community in a Sustainability Assessment being conducted by Global Green.

Global Green supports the "Polystyrene Food Service and Loose Fill Packaging Prohibition Act of 2019" that Chairman Mendelson introduced on behalf of Mayor Bowser and referred to the DC Council Committee on Transportation and the Environment.

Global Green believes this bill will help reduce plastic in DC waterways. This legislation is critical to implement and enforce the full effect of reducing expanded polystyrene waste that continues to accumulate.

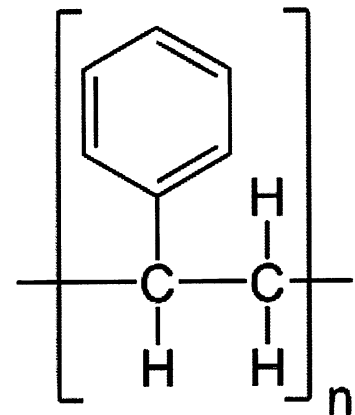
The following are strong reasons to prohibit retail sale of polystyrene foam food packaging and loose fill, or packing peanuts:

- It is not economically feasible to recycle expanded polystyrene.

- Polystyrene photodegrades, it breaks down into smaller pieces, and easily enters our ecosystem's food chain.
- The Potomac Conservancy stated that expanded polystyrene continued to be one of the five most common plastics found in the Potomac River and was 20% of the trash in the Anacostia River in 2016, and it continues to make up 5% of the plastic found in the trash traps in the Anacostia River according to the Anacostia Watershed Society.
- Styrene and benzene are two chemical components of expanded polystyrene and are known to be carcinogens according to the Department of Health and Human Services (DHHS) and the International Agency for Research on Cancer (IARC); styrene is also a neurotoxin according to National Center for Biotechnology Information (NCBI).
- Many other jurisdictions across the United States have enacted their own bans on expanded polystyrene food ware, including, but not limited to Los Angeles, Miami, New York City, Portland, Berkeley since 1988, and closest to us Montgomery County and Prince George's County. DC's decision to strengthen the expanded polystyrene ban would undoubtedly inspire other policy makers to follow suit.
- There have already been new efforts for corn- and wheat-based peanuts to replace expanded polystyrene loose packaging, which are biodegradable, compostable, and non-toxic.

Altogether, this amendment is part of the solution to cleaning DC's waterways and keeping them plastic-free. More importantly, this amendment would encourage other cities across the nation to do the same. As the nation's capital, it is our responsibility to be a leader and role model in this wave of environmentalism to create a healthful environment.

Lastly, I would like to include that as a resident of the DC Metropolitan Area I hope that someday I will be able to enjoy the waterways here without being forced to recognize that instead the rivers are teeming with plastic.



Thank you.

Global Green is the American affiliate of Green Cross International. The mission of Global Green USA is to foster a global value shift toward a sustainable and secure future to help people, places, and the planet. Global Green is a national leader in advancing sustainable and resilient communities. We green cities, schools, and affordable housing to help protect human health, improve livability, and support our planet's natural systems to stem climate change.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment



Public Hearing on
Bill 23-191 “Polystyrene Food Service and Loose Fill Packaging Prohibition
Amendment Act of 2019”

Testimony of
Tommy Wells
Director, Department of Energy and Environment

Before the
Committee on Transportation and the Environment
Mary M. Cheh, Chair
Council of the District of Columbia

July 10, 2019
Room 412
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good afternoon, Chairperson Cheh, members, and staff of the Committee on Transportation and the Environment. I am Tommy Wells, Director of the Department of Energy and Environment. Thank you for the opportunity to present testimony before you today on Bill 23-191, the “Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019.”

The Executive, informed by the work of the Office of the Clean City, introduced this bill, which would prohibit the retail sale of polystyrene foam food service products and polystyrene loose fill packaging because it will reduce the harm posed from expanded polystyrene, commonly known as foam, which litters our local waterways, absorbs toxics, and negatively impacts wildlife. DOEE takes great pride in being part of the District’s ongoing efforts to protect our local waterways.

Foam products, regardless of whether they were illegally provided by a District restaurant, served at a District resident’s home, or used as loose fill packaging, are easily blown by wind or washed by rain into District waterways. Once there, they break down into smaller pieces where they can adhere to toxics in the water and be mistaken as a food source by local wildlife. While DOEE has worked hard to ensure the regulated community adheres to our current foam ban for food service entities, there are still unregulated sources of foam entering and harming our rivers and tributaries.

Currently, restaurants and other food service businesses are banned from using foam items like plates, cups, and clamshells. DOEE fully supports extending this ban to retailers outside of the food service industry. Data collected through trash traps and other sources have suggested a decrease in foam found in our waterways since the District and surrounding jurisdictions’ foam bans went into effect in 2016. This demonstrates that the ban is working, and extending the ban is the next step in fully eliminating the presence of foam in our waterways.

DOEE has developed a strategy for outreach and enforcement that has been very effective in ensuring compliance with current food service ware requirements and is in good standing to prepare the regulated community for these new requirements by the July 1, 2020 enforcement date. DOEE will target its outreach and compliance assistance to retailers selling disposable foam plates, bowls, cups, clamshells, or loose-fill packaging materials. The agency will work closely with the Department of Public Works, Department of Consumer and Regulatory Affairs, and other sister agencies, as well as with the Mayor’s Office of the Clean City to communicate the new requirements and help businesses identify alternative compliant products and understand their role in keeping our waterways clean. With efforts focused on businesses with grocery store and food product licenses, as well as retailers involved in the mail and shipping business, DOEE will be able to leverage its resources on a retail community considerably smaller than the approximately 6,000 restaurants and other food service entities DOEE has historically been responsible for regulating. In short, we have the experience necessary for this undertaking.

Conclusion

By expanding the District’s current foam ban, the District will join both Montgomery County, MD and Prince George’s County, MD, as well as the entire state of Maryland, effective July 2020, in prohibiting the retail sale of foam food service ware and loose fill packaging, further



strengthening our continued interjurisdictional efforts to protect the Anacostia River. Let's be good neighbors.

Thank you for the opportunity to testify today. I look forward to answering any questions you may have.





DC ENVIRONMENTAL N E T W O R K

“Chris Weiss, executive director of the DC Environmental Network, helped to push for the District’s program. He said pay-as-you-throw forces participants to pay attention to what goes where and “enhances composting programs and food waste programs. It’s the base that you have to put in place to support a real zero-waste program,” Weiss said. - Rachel Nania, WTOP, May 30, 2019

Council of the District of Columbia, Committee on Transportation & Environment, Public Hearing on:

B23-0191 the Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019

July 10, 2019, 10:00 AM

John A Wilson Building, 1350 Pennsylvania Avenue, NW, Room 412

Testimony of Chris Weiss, Executive Director, DC Environmental Network (DCEN),

Good morning Chairperson Cheh and other Councilmembers and staff.

I am Chris Weiss and I am the Executive Director of the District of Columbia Environmental Network (DCEN).

On July 29, 2014, former Mayor Vincent Gray signed the “Sustainable DC Omnibus Amendment Act of 2014” that included, among a number of elements, the prohibition of the sale, use, or provision of expanded polystyrene containers for food service. (this bill was introduced in 2013)

The ban went into effect in early 2016.

Three years later, on March 14, 2019, Chairman Mendelson, on behalf of Mayor Muriel Bowser, introduced this bill, 23-0191, the “Polystyrene Food Service and Loose Fill Packaging Prohibition

Amendment Act of 2019.” This act closes loopholes by prohibiting the retail sale of expanded polystyrene food service and loose fill (or peanut) packaging.

This ban will go into effect by July 1, 2020.

The DC Environmental Network enthusiastically supports Mayor Bowser’s efforts to close these loopholes. We also want to make sure DOEE has time to fully prepare for the implementation of enforcement policies for the retail business ban.

We know that it has not been easy to implement existing polystyrene and food service product bans. DCEN has over the last three years, used DOEE’s hotline to report the illegal sale, use and provision of polystyrene containers. Two of those times we found extensive amounts of the banned product being used by food trucks on the mall.

We know existing bans have been effective but also know it is fairly easy to find banned materials when you’re looking for it, albeit in smaller quantities than in the past.

It’s been a success. Our reduction of polystyrene in DC. My only strong frustration is that I felt quite a bit younger, had finished my 9th marathon, when Mayor Gray first introduced the original polystyrene ban. And it is feasible that by the time these loopholes are closed, in 2020, we will have spent 8-10 years, depending on when you start counting (original sustainable DC plan, etc.), on working to implement some simple polystyrene reduction concepts. I want to see some real change. At some point, we really need to accelerate our progress on our zero-waste policies which may mean less accommodation for the profit-making businesses that will, may, always, in this example, have dreams of a polystyrene future, even a foam renaissance.



Chris Weiss

May 29, 2016 · 🌐

I, surprisingly (maybe not so much a surprise), found some styrofoam in the garbage, near the food trucks on the mall. I know there are non-styrofoam alternatives that look similar, which I also saw. (makes me think we have replaced one poison with another) I would guess maybe ten percent of these garbage looked like styrofoam. I was not so motivated to collect samples but shared my 141 pictures with DOEE.



Another example of zero-waste policies that seem to be on a slow track is our efforts to support the Department of Public Works, Office of Waste Diversion's, plans to pilot the idea of Pay-As-You-Throw (PAYT), a usage-pricing model for disposing of municipal solid waste. Users are charged a rate based on how much waste they present for collection to the municipality or local authority. This idea strengthens recycling, composting, food waste programs, and could help us manage our waste in a way that reduces the amount of plastic that makes its way into our waterways.

The environmental community never really liked the idea of a pilot for PAYT. This concept is already policy in thousands of cities around the globe. The most successful zero-waste cities, like San Francisco, Toronto, etc., have some form of PAYT that has helped them become leaders. It's a proven and effective, and eminently doable policy. Everyone is doing it. Okay not everyone, but certainly a critical mass of the most successful zero-waste cities.

Despite that, we thought, let's spend a little time piloting PAYT

in DC. We could take it for a test run, work out the kinks, and help decision makers, and District residents, become comfortable with this idea.

With your help, Councilmember Cheh, the last three budget cycles, FY18, FY19, and now FY20, have protected funds necessary to implement a pilot in the District. We also worked together to get support for maintain a strong Office of Waste Diversion to help, with the assistance of a qualified consultant, to effectively design and implement the pilot.

Something continues to hold this project up. We continue to be told that DPW will soon release a Request for Proposals (RFP) to find a consultant to make this pilot a reality. You heard it



Chris Weiss

July 5, 2017

On Sunday it was very easy in the span of five minutes to identify a decent amount of "banned" Styrofoam being used by food trucks near the mall. In terms of volume it was a big improvement from last year's Rolling Thunder weekend. (not apples to apples) I think we need to get into a deeper "beyond the ban" way of looking at waste management. In the meantime it is a good ban with good environmental benefits and DC needs to figure out how to make it work as efficiently as possible..



yourself a number of times at oversight, and other hearings. An RFP should have gone out in September of 2018. The year mark is not that far away.

We are considering changing our tack on this.

We are starting a conversation with national and local environment organizations, and other stakeholders, to convince decision makers to strongly consider starting a campaign to introduce legislation that would require the District to implement PAYT. That would mean no pilot.

Otherwise we are hoping we will hear about DPW releasing a PAYT RFP in the very near future.

We seem to be taking a long time to implement our polystyrene control policies and to pilot PAYT. Despite that, Mayor Bowser's bill is a good bill and should be supported. Mayor Bowser could also do a great job in piloting PAYT. We just need to take the next step and get the ball rolling.

The planet needs us to do stuff faster.

Thank you.

Spearheaded by Global Green, U.S. affiliate of Green Cross International, the DC Environmental Network (DCEN), founded in 1996 — is working toward a vision of rebuilding Washington, DC's neighborhoods, and communities for long-term economic and environmental sustainability — accomplishing this by protecting, restoring, and enhancing, the Capital City's urban environment. The mission of Global Green USA is to foster a global value shift toward a sustainable and secure future. Global Green is a national leader in advancing sustainable and resilient communities. We green cities, schools, and affordable housing to help protect human health, improve livability, and support our planet's natural systems to stem climate change.

Washington, D.C. –Committee on Transportation and the Environment– July 10, 2019**1. B23-191. Polystyrene Food Service & Loose Fill Packaging Prohibition Amendment – Oppose**

The American Chemistry Council's (ACC) Plastics Foodservice Packaging Group (PFPG) respectfully opposes B23-191. Polystyrene Food Service & Loose Fill Packaging Prohibition Amendment, which would prohibit the retail sale and use of polystyrene foam foodservice containers and loose fill packing. ACC and its members strongly support efforts to reduce litter and marine debris; however, this legislation falsely assumes alternatives to foam foodservice containers are environmentally preferable and could be recycled or composted. Before D.C. passes this legislation, it should carefully consider and analyze the impacts of alternatives, including increases in energy use and greenhouse gas emissions. D.C. should also establish recycling or composting for the alternatives or reject this legislation.

ACC and its members take seriously the issue of litter and marine debris. To that end, ACC is working domestically and internationally with government officials, retailers, anti-litter groups and consumers to develop solutions to prevent litter and marine debris.

On January 16th, global companies in the plastics value chain, from manufacture to disposal, including many ACC members, announced the creation of the Alliance to End Plastic Waste. This new non-profit organization is committing \$1.5 billion over five years to end plastic waste and will focus on providing solutions to the largest sources of plastic in our ocean. Initially that work will be largely focused on so-called "high leakage" countries -- where waste collection and management has not kept pace with growing populations and growing economies. A study in Science Magazine estimates that almost 60 percent of plastic waste going into our oceans comes from just five countries, primarily in Southeast Asia. Although the United States accounts for less than 1 percent of this plastic waste, ACC and its members have committed to reusing, recycling or recovering all plastic packaging by 2040 and making all plastic packaging reusable, recyclable or recoverable by 2030.

Thus, we strongly support reduction in marine litter and waste, but this legislation will not accomplish that objective. This legislation fails to recognize that litter and improper waste management are independent of material type. New policies and practices should ensure that no waste, plastic or otherwise, ends up having a negative impact on the environment. A ban on the sale and use of polystyrene foam is unlikely to be effective in addressing litter. In fact, litter studies conducted following the enactment of bans have shown an increase in the litter of alternative materials that is greater than the decline in the banned material. This was a primary reason why the California Water Board rejected the use of bans as a compliance mechanism for waterborne trash reduction.¹

In addition to not accomplishing the goal of reducing litter, this legislation could increase greenhouse gas emissions, energy use and waste. All packaging leaves an environmental footprint regardless of the material type. Polystyrene foodservice packaging uses less energy and resources to manufacture than comparable paper-based products, leaving a lighter footprint. For example, a polystyrene foam cup requires about 50% less energy to produce – and creates significantly fewer greenhouse gas emissions – than a similar coated paper-based cup with its corrugated sleeve.² Furthermore, these paper alternatives are generally not collected in community recycling

¹ http://www.waterboards.ca.gov/water_issues/programs/trash_control/docs/trash_sr_040715.pdf

² https://www.plasticfoodservicefacts.com/wp-content/uploads/2017/12/Peer_Reviewed_Foodservice_LCA_Study-2011.pdf

programs. Thus, this legislation, through the switch to alternatives, is likely to increase environmental impacts.

It is also important to note that most compostable foodservice containers only “degrade” in a controlled composting environment – essentially a large industrial facility where temperatures can exceed 140 degrees. These composting facilities and collection of foodservice packaging are not readily available in D.C., so these alternative products will likely end up in a landfill providing no environmental benefit. Therefore, so-called “biodegradable” containers do not degrade if littered alongside the road or deposited into a trash can, nor will they degrade if they make their way into a storm drain or other water body. Furthermore, the Oregon Department of Environmental Quality has found that compostable food service ware often has a larger (life time) environmental footprint than non-compostable items.³ For example, compostable materials may require more fossil energy use and release more greenhouse gases than their non-compostable counterparts.

The Biodegradable Products Institute (BPI), a not-for-profit association of key individuals and groups from government, industry, and academia, seeks to educate manufacturers, legislators and consumers about the importance of scientifically-based standards for compostable materials which biodegrade in large composting facilities. BPI’s “Myths of Biodegradation” states:

Myth: Biodegradable products are the preferred environmental solution because waste simply biodegrades in the landfill.

Reality: Nothing biodegrades in a landfill because nothing is supposed to.⁴

ACC is helping develop new and innovative recycling programs nationwide; promoting industry-wide practices to contain plastic pellets; partnering with governments and conservationists to encourage recycling and discourage litter; working to educate children on the link between litter and marine health; working with the National Oceanic and Atmospheric Administration to advance scientific understanding of marine debris; and continuing to innovate and develop smaller, lighter packaging. More information about our activities to help reduce marine debris can be found at: <http://www.marinedebrissolutions.com>.

ACC believes that reducing landfill disposal, marine debris and litter requires the implementation of a variety of tools. In addition to efforts that seek to increase recycling and improve solid waste collection infrastructure, opportunities to recover non-recycled plastics may be an option as well. An emerging set of technologies is allowing governments and businesses to convert non-recycled plastics into energy, fuels, and feed stocks, or raw materials for new manufacturing. A range of recovery technologies is being used to complement recycling in helping to divert more valuable post-use materials from landfills. For example, polystyrene foam can be converted back to raw materials for new polystyrene products. This technology is growing rapidly in the US.

Experts emphasize that improving waste management is the key to addressing marine debris. Attempts to reduce marine debris through product bans fail to recognize the underlying source of marine debris in developed countries, litter. Thank you in advance for considering our views.

For more information please contact Josh Young at (202) 249-6223 or Josh.Young@americanchemistry.com.

³ See <https://www.oregon.gov/deq/FilterDocs/compostable.pdf>

⁴ See <http://www.bpiworld.org/Default.aspx?pageId=190439>



DART CONTAINER CORPORATION

www.dartcontainer.com

500 Hogsback Road • Mason, Michigan 48854 • (800) 248-5960

July 10, 2019

District of Columbia
Committee on Transportation and the Environment
1350 Pennsylvania Avenue NW
Washington, DC 20004

Re: Testimony in Opposition to B23-0191 – “To amend the Sustainable DC Omnibus Amendment Act of 2014 to prohibit the retail sale of expanded polystyrene food service and loose fill packaging.”

Honorable Committee Members:

Dart Container Corporation (Dart) appreciates the opportunity to provide testimony regarding District of Columbia B23-0191 - to prohibit the retail sale of expanded polystyrene food service.

Background

Dart is a global manufacturer of food service containers - both plastic and paper containers, including products made from polystyrene (#6) in both foamed (“EPS”) and rigid form (Red Solo Cup); paper; recyclable; and, compostable products.

Dart is and continues to be actively engaged in recycling and educating the public on the environmental attributes of foam including the ability for it to be recycled. In fact, Dart and the state of Rhode Island’s Resource Recovery Corporation has a public/private partnership that provides availability to statewide foam recycling.

In 1990, Dart began recycling post-consumer foam. Today, Dart offers to the public a variety of ways for recycling of foam. Dart facilities have public drop-off centers for foam at no charge to any resident consumer or government. Dart accepts all EPS – either made by Dart or any other manufacturer – including food service and shape molded block foam.

I. Ban Impact on District of Columbia Small Businesses, Restaurants and Nonprofits

Banning EPS foam food containers will have a negative impact on District of Columbia’s businesses – large and small. A disproportionate economic impact will fall on families that need to buy food service products that meet their family budget.

There are nonprofit operations that serve the most vulnerable in District of Columbia District of Columbia—church soup kitchens, homeless and abuse shelters. All of these entities operate with no profit margin and cannot stand with additional costs that put their services at risk.

II. Increased Costs and Fiscal Impact to Residents and Taxpayers

If this ban passes, there will be two significant new costs to District of Columbia residents and taxpayers.

First, the added costs incurred by District of Columbia consumers buying food service products for more expensive mandated foodservice containers – a cost that will be passed along or consumed by businesses.

This will result in a higher priced consumer product regardless.

Alternative materials that would be required under this bill, adds extra end of life costs to dispose of and weighs 2.5 times more by weight and volume; and, will only add to higher landfill tipping fees, costs and reduce available landfill space.

With each added cost to District of Columbia businesses - mandating they use a particular, higher priced product that will not be composted or recycled (but indeed landfilled because the District of Columbia does not maintain a composting facility that composts foodservice products) it just does not make financial sense.

Pertinent Foam Facts:

- Better product – better insulation for food which will eliminate waste.
- Life Cycle Analysis – less greenhouse gasses, less resources such as water to produce a foam cup. Less energy to produce
- Less products used – coffee or soda is served in one foam cup. Alternatives need a java jacket for hot items and napkins for sweating on cold applications.
- Foam makes up less than 1% by both weight and volume of our landfill waste. Paper cups end up in landfills more than foam.
- Alternatives are not disposed of properly which will add more solid waste to landfills. Paper cups are coated with plastic. Meaning the paper cup is no longer biodegradable. Compost products are thrown out in a garbage and end up in a landfill. They will not compost sitting in a landfill.

Again, this proposed ban expansion will not accomplish the goal of reducing solid waste in District of Columbia. Many people believe that a ban of foodservice foam will eliminate all foam within District of Columbia. However, this misses the mark. The issue of packaging foam (not addressed here) is the majority of foam used in the stream of commerce is not addressed here.

III. Misinformation Regarding Health

According to Jack Snyder, executive director of the Styrene Information and Research Center (SIRC) – maintains there are no safety or health concerns regarding styrene in food service polystyrene products, and that this conclusion has been supported by the **U.S. FDA for several decades**. This research has been

conducted by world-recognized independent scientists, and published in respected peer-reviewed scientific journals.

Styrene is a chemical building block not only of polystyrene food containers, but also tires, insulation, carpet backing, boat hulls, and bathtubs.

For more than 70 years, styrene has been produced to create polymers to manufacture thousands of consumer products. Because it occurs naturally, and is a widely used manufacturing material, nearly everyone encounters very small amounts of styrene in some form every day.

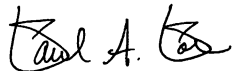
All scientifically, peer reviewed polystyrene research and studies show that polystyrene packaging consumers use are not harmful. Studies further show that styrene does not stay in the body for long and is rapidly metabolized and excreted. The most current, extensive research also indicates that styrene is not a human carcinogen.

SIRC strongly believes the data on styrene show that styrene exposure to consumers from polystyrene products does not present a health effect concern.

IV. Conclusion

For the reasons mentioned herein, Dart respectfully requests a negative report to this proposed legislation. This bill will result in higher costs to consumers; and costs to District of Columbia municipalities (in enforcement and tipping fees) – costing District of Columbians more in tax dollars to manage alternatives product of higher weight and volume at the end of life disposal.

Sincerely,



Paul Poe
Manager, Government Affairs and the Environment



SIERRA CLUB

WASHINGTON D.C.

TESTIMONY

of

Catherine Plume

Vice Chair, Sierra Club DC Chapter

before the

Transportation and the Environment Committee

regarding

B23-0191 - Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019

July 10, 2019 at 11am

John A. Wilson Building, Room 412

I'm Catherine Plume, the Vice Chair of the DC Chapter of the Sierra Club, a lifelong environmentalist, and a 20-year District resident. Thank you, Councilmember Cheh, for convening this hearing and for being a champion of environmental issues in DC.

The Sierra Club DC Chapter is here today in support of B23-0191, the Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019. The Club applauds both Mayor Bowser for championing this legislation and Chairman Mendelson for introducing this bill. By banning the sale of polystyrene foam food packaging and the sale of polystyrene packing peanuts, the District is continuing to be a national and even an international environmental leader. The 2011 Solid Waste Characterization Study for the District of Columbia, the most recent study available found that plastics, which include polystyrene, made up 14.9 percent of waste deposited at the District's Fort Totten and Benning Road transfer stations. Banning the sale of polystyrene service ware and packing peanuts should help reduce the amount of plastic waste from landfills, incineration, and our streams and rivers. And, it should help move the needle towards the Sustainable DC goal of 80 percent diversion from landfill and incineration by 2032. Importantly, there are viable alternatives to these products that are readily available, more environmentally friendly (and in some cases even recyclable) and on a par in cost. We hope that additional monies will be allocated to the Department of Energy and Environment (DOEE) to ensure that they have the capacity to enforce this ban. The Club would like to see this bill expanded to include all polystyrene products including coolers.

while the Club wholeheartedly supports this legislation, this bill will not resolve DC's waste issues. I will take this opportunity to note that the Club is becoming increasingly frustrated with the DC Department of Public Works' (DPW) movement on programs that will make a huge impact on the amount of waste generated by DC residents. Councilmember Cheh, in 2017, you put aside monies in the 2018 budget to implement a Pay-As-You-Throw (PAYT) pilot in DC. To say that DPW has advanced on this pilot at a glacial pace would be a denial of climate change as glaciers appear to be melting faster than DPW's advancement on this pilot. Two years later we are still waiting for the agency to release just a Request for Proposal (RFP) for the pilot. Any advancement

on a District residential composting program seems to be similarly stalled with the process of identifying a site going on and on and on. We are baffled by the lack of progress.

And, while we have your attention, the Club would like to mention three other environmental concerns that we want to make sure you're aware of.

1) We urge this Committee and the Council to take any action allowable to ensure that the tipping fees charged at the Fort Totten transfer station are at market rate. Current contracts with specific haulers charge well below market price for dumping in the District, such that these haulers are bringing waste from other jurisdictions in Maryland and Virginia into the District to dispose of it. This means that non-District waste is taking up valuable real estate on Fort Totten's relatively small floor, taking space away from other recycling and composting initiatives.

2) In 2018, based on concerns raised after a Sierra Club DC-sponsored analysis of DC Water biosolids, now marketed as Bloom and placed on many DC school and community gardens, you had funds set aside for a study of this product in collaboration with DC Water and the DOEE. The collaboration between DC Water and DOEE has stalled over legal approvals between the two organizations on the development of the RFP. Otherwise DC Water and Sierra Club have worked productively together to design the RFP and develop an advisory committee. The Sierra Club suggests that we can get over this snag and get this appropriation spent for the public interest if DC Water and DOEE leadership emphasize this priority. This study is important to protect citizens from a potential health risk. There are many studies that suggest sewage-based compost should not be used on community and personal vegetable gardens - this study will help resolve the question.

3) We're also concerned about the use of plastic turf on DC playing fields and the environmental and health impacts that this material has on the environment--and also on the District's children. There are further environmental issues regarding the disposal of this material. We urge this Committee to look into this issue further.

As always, the DC Chapter of the Sierra Club stands ready to work with DPW, their Office of Waste Diversion (OWD), DOEE, and ZeroWasteDC.gov on any of these issues.

Thank you for the opportunity to speak today.